

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ROBERTO CHAVEZ-NUNEZ,

10 Petitioner,

CASE NO. C05-843-TSZ-JPD

11 v.

12 ALBERTO R. GONZALES, *et al.*,

13 Respondents.

14
15 ORDER OF TRANSFER TO THE
16 UNITED STATES COURT OF
17 APPEALS FOR THE NINTH
18 CIRCUIT AS A PETITION FOR
19 REVIEW

20 The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), all papers
21 and exhibits in support and in opposition to that petition, the Report and Recommendation of
22 the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record,
23 does hereby find and ORDER:

24 (1) The Court adopts the Report and Recommendation.

25 (2) This Court is without jurisdiction to consider petitioner's challenge to his

26 removal order. Accordingly, this action is hereby TRANSFERRED to the

United States Court of Appeals for the Ninth Circuit as a Petition For Review

pursuant to § 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat.

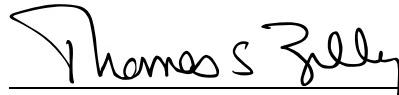
27 ORDER OF TRANSFER

28 PAGE - 1

1 231.

- 2 (3) Respondents are temporarily enjoined from removing petitioner from the United
3 States pending further order of the United States Court of Appeals for the Ninth
4 Circuit.
5 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings
6 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,
7 however, retain a copy of the Court's electronic file. The Clerk is further
8 directed to send copies of this Order to all counsel of record, and to Judge
9 Donohue.

10 DATED this 12th day of August 2005.

11
12 
13 Thomas S. Zilly
14 United States District Judge